

INTRODUCTION

The development of the sharia economy in Indonesia shows increasingly complex dynamics along with the increasing need of the community for an economic system based on Islamic sharia principles.¹ In this context, fatwa plays a strategic role as an instrument of Islamic jurisprudence that serves as a bridge between the normative norms of sharia and the evolving socioeconomic reality. Fatwas are not only understood as individual legal opinions, but have developed into institutional legal products that have a wide influence in directing the economic practices of Muslims, especially in the Islamic financial sector.

In Indonesia, the authority to determine sharia economic fatwas lies with the National Sharia Council of the Indonesian Ulema Council (DSN-MUI).² The existence of DSN-MUI is an important element in the national sharia economic law architecture because the fatwas issued by it serve as a normative basis as well as an operational reference for Islamic financial institutions. In fact, in its development, DSN-MUI fatwa has been integrated into the positive legal system through various regulations, such as Bank Indonesia Regulations and the Religious Justice Law, so that fatwas are no longer just a moral guide, but also a legal reference that has institutional binding. In the perspective of classical Islamic jurisprudence,³ fatwa is understood as the result of the mufti's *ijtihad*, which is in principle non-binding in general, except for the *mustafti* who requests it. This view as expressed by *ushul fiqh* scholars, such as al-Qarafi and Ibn al-Qayyim, reflects the character of fatwa at a time when legal authority had not been formally institutionalized. However, contemporary reality shows a significant transformation of the concept of fatwa, especially when fatwas are produced collectively by official institutions and institutionalized in the country's legal system. Therefore, the classical approach to fatwa needs to be recontextualized to be in line with modern social, political, and economic developments.

In the process of formulating sharia economic fatwas, DSN-MUI not only adheres to textual postulates from the Qur'an and Hadith, but also uses a broader methodological tool of *ushul fiqh*. One of the prominent approaches is the use of *maslahah*-based *fiqh* principles. The concept of *maslahah* emphasizes that the main purpose of Islamic sharia is to realize benefits and prevent harm, as formulated in the framework of *maqāṣid al-syarī'ah* which includes the protection of religion,

¹ Ian Rakhmawan Suherli dkk., "Kelemahan Fatwa dan Implementasinya Dalam Pengembangan Ekonomi dan Keuangan Kontemporer," *TAFATQUH* 7, no. 1 (2022): 51–64, <https://doi.org/10.70032/jcwwwwk41>.

² Arif Maghfur, "Pola Fatwa Dewan Syariah Nasional terhadap Produk Lembaga Keuangan Syariah," *Al-Muzdahir : Jurnal Ekonomi Syariah* 7, no. 1 (2025): 82–97, <https://doi.org/10.55352/ekis.v7i1.1494>.

³ Ahmad Burhan Hakim, *Dinamika Fatwa dari Klasik ke Kontemporer*, 03, no. 01 (2025).

soul, intellect, descent, and property. This approach allows Islamic law to remain responsive to new issues that are not explicitly explained in the nash.⁴

A number of academic studies show that the use of *maslahah* rules is an important element in DSN-MUI fatwas. Fauzia emphasized that the *maslahah* approach is used to accommodate the innovation of Islamic banking products to remain in line with sharia principles. Ismail also stated that without a *maslahah* approach, fatwas have the potential to be rigid and difficult to apply in a dynamic global economic system. Meanwhile, Rahmawati found that the DSN-MUI fatwa substantively considers *maqāṣid al-syar'ah* as the basis for establishing contemporary economic law. However, studies that specifically examine the contribution of *fiqh maslahah* principles in each stage of the formulation of DSN-MUI fatwa are still relatively limited.

Based on this background, this study aims to analyze the role and contribution of the principles of *fiqh maslahah* in the process of formulating DSN-MUI fatwa. This study is expected to provide a deeper understanding of the relationship between Islamic jurisprudence theory and the institutional practice of fatwa in Indonesia, as well as affirm the relevance of the *maslahah* principle in maintaining the sustainability and benefits of the Islamic economic system in the modern era.

RESEARCH METHODS

This study uses a qualitative approach with normative methods combined with in-depth analysis, so as to allow researchers to examine the sources of Islamic law textually as well as examine their relevance in institutional practice. The research pattern used is descriptive, with the aim of providing a complete picture of the concept, mechanism, and position of DSN-MUI fatwa in the Islamic legal system in Indonesia. Through this approach, the research seeks to show how these fatwas are formulated, reviewed, and implemented in response to various new legal issues that arise along with the development of the sharia economy, without leaving sharia principles as the main foothold. Thus, this study not only highlights the normative aspects of fatwas, but also emphasizes its practical function as a guideline for Islamic financial institutions and society in dealing with contemporary legal challenges.

The depth of this research is reflected in the researcher's efforts in accessing direct data from parties who have authority in the fatwa drafting process, especially members of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI), as well as through tracing various authentic sources contained in the official documents of DSN-MUI. This strategy makes this research not only descriptive-analytical, but also presents an empirical picture of the dynamics of collective *ijtihad* that takes place in the institution.

⁴ Jaih Mubarak dan Shaifurrokhman Mahfudz, "Istinbath Methodology of DSN-MUI: Integrating Classical Islamic Jurisprudence with Contemporary Needs," *Indonesian Journal of Islamic Economic Law* 1, no. 2 (2024): 136–52, <https://doi.org/10.23917/ijael.v1i2.5570>.

The focus of the research is directed at DSNMUI fatwas which are based on the principles of fiqh maslahah throughout the period 2000–2024, with special attention to the aspects of relevance, the basis of legal argumentation, and implementation patterns in responding to the development of sharia economic law in Indonesia. With such an approach, this study is expected to be able to elaborate on the role of maslahah rules as a methodological foothold that functions to maintain harmony between sharia normative texts and the practical needs of contemporary society, as well as display the consistency and flexibility of DSN-MUI in facing the challenges of economic globalization and the emergence of increasingly diverse Islamic financial instruments.